HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Misc. Application No.30 of 2002

Dr. V. K. Gupta and nine others ….Applicants
Versus

1. State of Uttaranchal
2. Smt. Rekha Gupta
   D/o Sri Brij Bhushan Goel
   R/o 128 Rajputana Mohalla
   Roorkee, Haridwar … Respondents

Hon'ble J.C.S. Rawat, J.

Heard Sri Sudhanshu Dhulia learned senior counsel for the applicants and Sri S.P.S. Panwar leaned senior counsel assisted by Sri H.C.Pathak learned counsel for the respondent No.2.

This is a petition under section 482 Cr.P.C. with the prayer to quash the chargesheet dated 18.12.2004 in case crime No.761/1999 police station Kotwali, Dehradun and to set aside the order dated 20.12.2001 passed by the Chief Judicial Magistrate, Dehradun in criminal case No.3493/2001 State Vs. Vinod.

It has been alleged in the petition that the marriage was solemnized between the applicant no.1-Dr. V. K. Gupta and Smt. Rekha Gupta in the month of March, 1987. A suit No.381/1998 for dissolution of marriage was filed by the applicant No.1 before the Civil Judge, Dehradun. The brother of the respondent No.2 filed an FIR which was registered as criminal case No.761/1999 at police station Kotwali, Dehradun.

During the course of hearing, an affidavit of respondent No.2-Rekha Gupta has been filed that the parties have settled their dispute amicably. The parties have filed the compromise petition before the family court. The family court has disposed of the petition in terms of the compromise. The said compromise has

been verified by the court below. No disputes at present persist between them and other family members.

Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been held by the Hon'ble Supreme Court in **B. S. Joshi and Ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277**:-

> *"12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.*
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> *13. The observations made by this Court, though in a slightly different context, in **G.V. Rao Vs. L.H.V. Prasad and others 2000(3)SCC p/693** are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about re-approchment are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may pounder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a*

Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts."

Considering the above facts and the principles laid down by the Apex Court, the charge-sheet mentioned above and the proceedings in criminal case no. 3493/2001 State Vs. Vinod are hereby quashed. The petition is allowed accordingly.

(J. C. S. Rawat, J.)

Dated 04.03.2006
LSR